

Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 AID-05 CIAE-00 EB-08 FRB-03
INR-07 NSAE-00 USIA-06 TRSE-00 XMB-02 OPIC-03 SP-02
LAB-04 SIL-01 OMB-01 L-03 H-01 ITC-01 STR-04 /077 W
-----042225Z 027700 /63

R 021459Z MAR 77
FM AMEMBASSY THE HAGUE
TO USMISSION EC BRUSSELS
INFO SECSTATE WASHDC 9977
USDOC WASHDC
USMISSION MTN GENEVA

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E.O. 11652: N/A
TAGS: ETRD, EEC, NL
SUBJ: CUSTOMS TARIFF PROBLEMS OF AMERICAN HOIST INTERNATIONAL
CORP.

1. FIRM DOORNBOS'S TECHNISCHE BEDRIJVEN B.V., BREEVAARTSTRAAT
3-5, ROTTERDAM AS AGENT IN NETHERLANDS, BELGIUM AND WEST
GERMANY FOR AMERICAN HOIST OF ST. PAUL, MINNESOTA, HAS FOUGHT
LOSING BATTLE WITH DUTCH CUSTOMS SINCE 1969 OVER DUTCH CLASS-
IFICATION OF AMERICAN'S CRAWLER LIFTING CRANES AS EXCAVATING
MACHINERY (BTN 84.23) DUTIABLE AT 11 PERCENT RATHER THAN AS
LIFTING CRANES (BTN 84.22) DUTIABLE AT 5.5 PERCENT (A KENNEDY
ROUND BINDING ON EC). TO GET AROUND DUTCH FINDING, WHICH WAS
BASED ON POSSIBLE ALTHOUGH EXPENSIVE CONVERSION OF LIFTING
CRANES TO DO EXCAVATION WORK, DOORNBOS SUCCESSFULLY IMPORTED
LIFTING CRANES DESTINED FOR NETHERLANDS VIA WEST GERMANY
AND BELGIUM WHICH CONTINUED TO ADMIT LIFTING CRANES AT LOWER
RATE OF DUTY. HOWEVER, PUBLICATION OF DUTCH CUSTOMS DECISION WAS
ACCEPTED AS BINDING PRECEDENT BY BELGIAN AUTHORITIES IN 1975,
AND IN 1976 EC PUBLISHED FINDING SPECIFICALLY STATING THAT
"AMERICAN" MODELS 4250, 599 AND 5299 LIFTING CRANES SHALL BE
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DUTIABLE AT HIGHER RATE OF EXCAVATING CRANES. NONETHELESS,
WEST GERMAN CUSTOMS HAS CONTINUED TO ASSESS LOWER RATE: SO
DOORNBOS BRINGS ITS IMPORTS DESTINED FOR BELGIUM AND
NETHERLANDS VIA WEST GERMANY, WHILE AMERICAN HOIST DEALERS
IN FRANCE AND ITALY ARE ALSO ABLE TO BRING LIFTING CRANES INTO
THOSE COUNTRIES AT LOWER RATE.

2. DOORNBOS IS UNDERSTANDABLY RELUCTANT TO OPEN CASE WITH EC FOR FEAR COMMISSION MAY DECIDE TO ENFORCE DUTCH AND BELGIAN DECISIONS THROUGHOUT COMMUNITY. IN THESE CIRCUMSTANCES, EMBASSY THE HAGUE AND DOORNBOS WOULD WELCOME USEC'S ADVICE AS TO WHETHER IT MIGHT BE CONSIDERED WORTHWHILE FOR FIRM TO SEEK DIRECT INTERVENTION FROM EC TO HAVE DUTCH AND BELGIAN DECISIONS SET ASIDE. IF DESIRED, DOORNBOS OFFICIALS, WHO FREQUENTLY VISIT BRUSSELS, WOULD BE PLEASED TO CALL AT USEC WITH DOCUMENTATION AND REVIEW CASE. PLEASE ADVISE MCCLOSKEY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MACHINE TOOL INDUSTRY, CONSTRUCTION EQUIPMENT, TARIFFS, CUSTOMS ADMINISTRATION
Control Number: n/a
Copy: SINGLE
Sent Date: 02-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Expiration:
Film Number: D770075-0836
Format: TEL
From: THE HAGUE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1977/newtext/t19770399/aaaadjpd.tel
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Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 9ebbd7be-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Review Exemptions: n/a
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TAGS: ETRD, NL, US, GE, EEC, AMERICAN HOIST INTERNATIONAL
To: EC BRUSSELS
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